

**BRAFMAN & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

767 THIRD AVENUE, 26TH FLOOR

NEW YORK, NEW YORK 10017

TELEPHONE: (212) 750-7800

FACSIMILE: (212) 750-3906

E-MAIL: BBRAFMAN@BRAFLAW.COM

BENJAMIN BRAFMAN

ANDREA ZELLAN

JOSHUA D. KIRSHNER

JACOB KAPLAN

ALEX SPIRO

MARK M. BAKER  
OF COUNSEL

MARC AGNIFILO  
OF COUNSEL  
ADMITTED IN N.Y. AND N.J.

May 2, 2016

**VIA ECF**

**PERSONAL & CONFIDENTIAL**

Judge Kiyo A. Matsumoto  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RE: UNITED STATES v. MARTIN SHKRELI**  
**No. 15 Cr 00637 (KAM)**

Dear Judge Matsumoto:

As your Honor is aware, we represent MARTIN SHKRELI in connection with the pending indictment.

We write to respectfully advise the Court that counsel for Mr. Shkreli does not intend to ask this Court to reconsider the decision of the Honorable Jack B. Weinstein on the issue of the attorney client relationship between Mr. Shkreli and his co-defendant EVAN GREEBEL as it relates to the charges in this case. We do not accept Judge Weinstein's conclusion that the "crime/fraud" exception applies in this matter. Our position, however, will permit counsel to pursue a "reliance of counsel defense" should we deem it appropriate at trial.

Thank you for the courtesy extended to counsel.

Respectfully,



Benjamin Brafman

cc: AUSA Winston M. Paes, via email: [winston.paes@usdoj.gov](mailto:winston.paes@usdoj.gov)  
Reed M. Brodsky, via email: [rbrodsky@gibsondunn.com](mailto:rbrodsky@gibsondunn.com)  
Joel M. Cohen, via email: [jcohen@gibsondunn.com](mailto:jcohen@gibsondunn.com)